HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.20799 of 1996

Between:

B. Venkaiah …Petitioner.

AND

Principal Secretary to Government,
Government of Andhra Pradesh,
Dept. of Land Acquisition, Secretariat,
Hyderabad & others. …Respondents.

:: O R D E R ::

Counsel for the Petitioner : Sri J. Kanakaiah

Counsel for the Respondents for : Government Pleader for Land Acquisition

21st JUNE 2006

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to pay compensation in lieu of utilisation of the property measuring 207 square yards comprised in Survey No.1517 bearing Plot No.118 situated in Panagal village, Nalgonda Mandal, Nalgonda District, which is said to have been utilised for digging of left canal for Srisailam dam.

Learned counsel for the petitioner submits that in view of the judgment dated 9-3-2004 of the Larger Bench of this Court in Writ Appeal No.170 of 2002 and connected matters, his client is entitled to compensation.

Learned Government Pleader says that the State has appealed against the judgment of the Larger Bench and by an order dated 24-1-2005 passed in Petition for Special Leave to Appeal (Civil) No.670-671 of 2005, Land Acquisition Officer/R.D.O. and others v. Mekala Pandu and others, the Supreme Court has stayed further payment of compensation.

In view of the statements made by the learned counsel for the

parties, the writ petition is disposed of with the direction that if the appeal filed by the State Government against the judgment of the Larger Bench is dismissed by the Supreme Court, then the writ petition will be deemed to have been allowed in similar terms and the respondents shall pay compensation to the writ petitioner. If, on the other hand, the appeal filed by the State Government is allowed, then the petitioner shall not be entitled to any compensation, and the writ petition shall be treated to have been dismissed.

With the above direction, the writ petition is disposed of.

G.S. SINGHVI, C.J.

21st June, 2006.
ARS/ks